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# Eighth Legislative Assembly

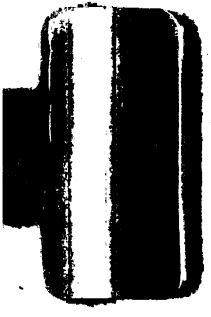
## TERRITORY OF OKLAHOMA

# GOVERNOR'S MESSAGE

Jan. 10, 1905.

THOMPSON B. FERGUSON,
GOVERNOR.

Guthrie, Okla.
The State Capital Company
1905



Oklahoma (Ter.) Governors.

# Governor's Message

to the

# Eighth Legislative Assembly

of the

# Territory of Oklahoma

Convening January 10, 1905.

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1905:
THE STATE CAPITAL COMPANY
GUTHRIE, OKLA.

# MESSAGE

## Of the Governor of Oklahoma to the Eighth Legislative Assembly.

To the Eighth Legislative Assembly:

Gentlemen:

You have assembled in the capacity of lawmakers, representing the only feature of Territorial government which derives its authority from the people. Let us all hope that when another legislative assembly convenes in Oklahoma it will be after her star has been given a place upon the field of blue—the "brightest and the best."

The progress of the Territory has been wonderful during the period which has intervened since the adjournment of the Seventh Legislative Assembly. The population is now at least seven hundred thousand. The wealth of the Territory, if all property could be assessed at its real cash value, would reach in the aggregate five hundred and forty million dollars. Our schools are the greatest of all Territorial interests. The people of Oklahoma are educators.

This assembly will probably be the last of a Territorial character. It will be a maker of history, and may close the chapter of Territorial legislation. We are living in the formative days of a state. Our people have by their achievements written a magnificent history. The world has looked upon Oklahoma and marveled at her accomplishments. Her past has been full of interest and her future is full of promise.

## STATEHOOD.

Self government is one of the things most highly cherished by every liberty loving American citizen. The people of Oklahoma want statehood. The people of the Indian Territory want statehood. A bill now pending in the senate of the United States offers what is wanted by both Territories. That bill should receive favorable action. It would be proper for this assembly to pass at once a joint resolution asking that statehood be conferred through the bill now pending in the senate.

## TERRITORIAL OFFICES.

The reports of the various Territorial officials have been printed in compliance with law and are submitted for your careful consideration. It is earnestly requested that committees be appointed by the assembly to carefully check up each of the offices connected with the Territorial government, and that a report be made on the condition and business transactions of each department. As members of this body you have come direct from the people. You are their chosen business agents, and through you they should know how their affairs are being conducted.

## APPROPRIATIONS.

Oklahoma has made the most wonderful progress along all lines of possible development ever witnessed in any commonwealth in the American republic in so short a time. She has grown to magnificent proportions. Conditions have very materially changed. Requirements and necessities have changed also.

In dealing with financial matters it should not be forgotten that with the growth of the Territory have come increased demands for larger appropriations, and it is not correct economy to withhold any necessary support, and by so doing curtail in any way the progress which has so conspicuously marked our past history. In my judgment the people who pay the taxes and upon whom devolve the responsibility of supporting the various interests of the commonwealth, are willing to meet all necessary expenditures and will cheerfully acquiesce in the action of this honorable body in making the appropriations necessary to meet all reasonable demands. However, without presuming to instruct, I have the honor to suggest that in matters pertaining to appropriations it is always expedient for us to follow the ancient admonition to be "as wise as serpents and as harmless as doves."

Many demands will be made upon this assembly for appropriations. The needs are greater than at any time during the history of

the Territory, and the ability to meet them has been increased accordingly. The one safeguard, however, is to know that every appropriation asked for is necessary at this time.

There are seven educational institutions in the Territory to be maintained. They present claims to the Territorial assembly every session for appropriations. It, in my judgment, is not and should not be the policy of the Territory through its legislative assembly to deny any of these institutions the support that they need, but, at the same time, precaution should be taken to prevent any appropriation not actually needed *at this time.* Local enthusiasm and a desire to build up an institution which will add to the welfare of a community, as well as to the general welfare, often inspires efforts that reach beyond the present financial power of the Territory. Again, ambition to build quickly and to develop a great institution regardless of existing conditions sometimes leads promoters of appropriations to transcend the capacity of the Territory. We can only build up our interests as existing conditions will permit. The only consistent way is to pave the road as we go but not in advance of our financial ability to do things. As the commonwealth advances in population and wealth, we should make provision to meet increased demands accordingly, but we should never go beyond present necessity.

These are matters submitted for the careful consideration of this assembly, believing that you will act in a business-like manner, conforming the general demands to the ability of the Territory to meet them.

## GENERAL APPROPRIATION BILL.

Legislative assemblies have established a dangerous precedent in relation to the general appropriation bill. It has been a custom too long observed to allow the so-called general appropriation bill to remain for action until the closing hours of the sesson, at which time it is formulated and passed hastily and often without the mature consideration that its importance warrants. This custom frequently allows the intrusion of certain things that should not be a part of the appropriation bill. Unjust claims against the Territory, or State, are often attached to the general appropriation bill and passed as a part of it. It is a difficult task to prevent such work, especially when the bill is acted upon in the hurry and turmoil that so often characterize the closing hours of a legislative body.

Every state constitution should contain a provision giving the executive power to veto any unjust feature of an appropriation bill

without extending the veto to the bill as a whole. It is to be hoped that this power will be conferred by the constitution of the State of Oklahoma.

A general appropriation bill should contain only such provisions as refer to necessary expenses in maintaining the various features of the State government. All private or individual appropriations should be considered separately. A legislature can often save the state many thousands of dollars by refusing to allow private claims to be attached to the bill which provides for the legitimate expenses of government.

## HERD LAW.

A law was passed by the Seventh Legislative Assembly providing certain restrictions on stock running at large. Under the provisions of that law, all of Oklahoma lying east of the one hundreth meridian (all of the Territory except Beaver County) is subject to herd law regulations, unless the resident freeholders and legal voters otherwise direct. Upon the presentation of a petition signed by twenty-five freeholders and legal voters in any county east of the one hundredth meridian, the commissioners are required to divide the county into stock districts, no district to contain less than seventy-two square miles or more than one hundred and forty-four square miles, and after the county is so divided and if one-fourth the legal voters of any district so petition an election shall be held and the voters allowed to decide whether or not free range shall prevail in the district, and if by a majority vote the freeholders decide in favor of free range the same shall prevail in that district, otherwise stock shall be restricted from running at large.

West of the one hundredth meridian (in Beaver County) the conditions are practically reversed. Free range prevails there unless the voters otherwise decide. The provisions of the law render it somewhat difficult for the homesteaders to obtain the much needed relief. The law requires that the freeholders, if they desire to vote on the proposition as to whether or not stock shall be restrained from running at large, shall petition the board of county commissioners to divide the county into stock districts. On the west side of the one hundredth meridian it requires the names of one-fourth of all the legal voters and residents in the county on a petition, before the commissioners are required to divide the county into stock districts, while east of the one hundredth meridian it only requires twenty-five names for the same purpose. In short, east of the one hundredth meridian, where they might want to vote for free range, it only requires twenty-five petitioners, while west of the one hundredth meridian, where they

might want to vote for herd law, it requires *one-fourth* of all the voters in the county. This is a discrimination against the people of Beaver County. In its operation the law is tinged with class legislation. In other words, if the cattleman east of the one hundredth meridian wants a district set apart in which to vote free range, he only is required to submit a petition containing twenty-five names, while if the homesteader west of the one hundredth meridian (the citizen in Beaver County) wants to vote for herd law, he must submit a petition containing the names of one-fourth of the legal voters of the entire county. This in a county like Beaver, 167 miles long and 34 1-2 miles wide, would render the homesteaders' task a hard one.

At the time the law was passed it was doubtless believed that Beaver County would always remain a grazing country and that herd law restrictions would not be needed. However, that county has been filling up rapidly with homesteaders. The government intended that country for the homesteader when it was included among the lands subject to entry. The people who have gone there believe that they can build up homes. Their crops have been destroyed by cattle that roam free and unrestrained over the country. The people should be protected. They are entitled to the same protection given the homesteaders in other parts of the Territory.

I respectfully recommend that the law be amended so as to include Beaver County and protect all of our citizens alike.

Section 2, of Article 1, of the Session laws of 1903 should be extended in its application to all of the Territory alike, and sections 37 and 38 of Article 1 of the Session laws of 1903 should be amended so as to make Section 2 of said act operative in all parts of the Territory within sixty days after the passage and approval of the act repealing portions of the former law.

## QUARANTINE LAWS.

The Territory has a good quarantine law. It should not be repealed, but should be extended, strengthened and more ample provisions made for its enforcement.

The Seventh Legislative Assembly passed a bill, which, although not all that might have been desired, would have met the requirements fairly well. The act was submitted for approval, at the adjournment of the assembly. It was discovered that it conflicted with certain government grazing lease contracts then in force, consequently it could not become a law, and be effective. In arranging the provisions of the bill the government contracts had been overlooked and no condit-

tions were interposed to meet them. After the adjournment of the Legislature, it was discovered that the grazing contracts existed but it was too late to remedy the oversight. These conditions do not exist at this time, or at least it is reported that the existing leases in the reservations that would be effected by the extension of the quarantine line, all expire next spring, consequently there is nothing in the way at this time to prevent the desired extension of the lines.

Just as long as animals are allowed to come into the Territory from the infected region, just that long will there be infection unless better safe guards than the ones now utilized and recommended by the authorities upon this subject can be devised. The "open season" to southern cattle should be abolished, at least until some remedy is discovered to afford protection through some form of disinfection. Inspection alone will not meet the emergency. Let inspection be ever so carefully conducted, some infected animals will probably be passed during the season and all the stock interests of the adjoining country ruined as a result.

It should not be forgotten that the infected cattle are, in a majority of cases, brought into the Territory by non-residents, and those who suffer as a result are our own citizens. In my judgment it would be safe to extend the line around the Territory embracing the Osage country among the other Indian reservations to be added, provide for additional inspectors, and then make an effort to thoroughly disinfect the entire country around which the line has been extended. As we succeed in disinfecting the area embraced within the Territorial line, the Federal Government will be disposed to push its line toward ours as rapidly as conditions will permit.

## GAME LAWS.

The Seventh Legislative Assembly amended the game laws of the Territory and added some wholesome provisions.

There have been some violations, but, as a whole the law is a good one and results are generally satisfactory. Notwithstanding the merits of the law it needs some changes to make it more effective. The Territorial Game Warden is allowed such slight compensation that he cannot make the law as effective as could be done under more favorable conditions. There should be an appropriation made for necessary expenses in securing evidence and conducting prosecutions. The appropriation need not be large, but it most assuredly is a necessity. The Game Warden often finds it necessary to visit a locality where violations of the law are reported, but without a provision for traveling

expenses it is almost impossible for him to do so unless at a financial loss to himself.

The law should be given power to attach more severe penalties than mere fines. In some instances the violator of the law has been fined but it failed to suppress him. It is believed that some of the violators of the law figure that they can pay the fines imposed by the local courts and then make money by shipping game. Imprisonment should be added as one of the penalties for violating the game laws. This penalty could be imposed in the case of well known offenders, and this seems to be the only remedy.

## GOOD ROADS.

A crusade to promote a sentiment in favor of better public highways has been inaugurated in a number of the states and has now reached national proportions. Almost from time immemorial in the history of nations, the development of good roads has been one of the principal factors in extending civilization. Well developed highways in a community not only are a convenience, but they have a tendency to unite city and rural districts in more intimate relations and to bring all social interests more closely together.

Legislative encouragement to this very commendable public enterprise would always be a step in the right direction, and in the interest of all the people.

## WORLD'S FAIR.

Probably the greatest event of like character in the history of nations was the Louisiana Purchase Exposition held at St. Louis during the past year. The highest civilization of the world was represented in that stupendous mingling of races. From many lands came people to place their products in competition and to exhibit in one arena the greatest possibilities of the twentieth century as well as the development and crystalized thought of the ages.

Oklahoma, the last commonwealth carved out of the great purchase was a contestant in this exposition for honors that were to be conferred. She sought these honors as a reward for the possibilities of her soil, the intelligence, enterprise and energy of her people as well as for the splendid advertising, and prestige to come from abroad.

Results have been very gratifying. The members of the Oklahoma Commission worked enthusiastically to place the Territory before the world in a proper manner.

The Oklahoma Pavillion was the most popular resort in the plaza of states. Our principal exhibits were in the Agricultural, Horticultural, Educational and Mineral departments.

The success of our exhibits exceeded all expectations.

Many medal awards came to Oklahoma. Prominent among them was the gold medal for the best general collection of agricultural products. When it is remembered that Oklahoma is the infant commonwealth of the American Republic and just now asking permission to walk alone without parental assistance, her success at the great fair will be emphasized, for in that contest we were in competition against the world. This success is a high commentary upon the enterprising spirit of the progressive people of Oklahoma who made it possible.

The report of the Commission has been presented to you in printed form. That report includes the businss transactions of the Commission from its organization May 1, 1901, to December 2, 1904. At the time the report was submitted there was some unfinished business which will be submitted in a supplemental report. The commission will have a balance, probably amounting to several thousand dollars to turn back into the treasury.

## HISTORICAL SOCIETY.

Oklahoma has made and will continue to make interesting and instructive history.

The formative period of a commonwealth is always marked by events that must be of great interest in subsequent years. Our Territory is no exception to this fact, but on the other hand emphasizes the necessity of efforts to collect and preserve information about our "early days," our struggles, our reverses, and our achievements, and by so doing bequeath to the future an historical heritage of priceless value. No other Territory in the history of this government was peopled under such novel and romantic circumstances as was Oklahoma. Her boomers and her sooners, her settlements made "in a day;" her unprecedented developments all combine to make her early annals a pleasing story.

But have we been sufficiently alert on the matter of preserving a complete record of our history as it has transpired? It may be that we have been a little negligent, but if so we should at once take the necessary precaution to provide in the future for this very important feature of our educational work.

## SCHOOL LAND DEPARTMENT.

The school land office is one of the important contingents of the Territorial government. The volume of business transacted by that department is immense. There are about seven thousand six hundred lessees upon the school lands in the Territory. There are two interests to guard in leasing these lands, the interest of the fund derived for general educational purposes and the interest of the lessee who makes the improvements and pays the rentals.

It is the policy of the department to transact the affairs of this office along the lines of justice to all, and in so doing at times protests have been made against the action of the board, growing out of differences in judgment as to what value should be attached to the lands in making appraisements.

A large per cent of these lands were leased several years ago when conditions were very materially different from what they are today. When the rentals were raised so as to conform as nearly as possible to existing conditions, protests followed. There were some instances doubtless in which the appraisements were too high on certain pieces of land. Again there were instances in which they were too low. It all depended upon the judgment of the appraisers. In fixing the value on a tract of land, with the interest of the Territory to guard, the interest and equity of the lessee to guard, and an adjustment to make that will conform to present conditions in a business-like manner, an appraiser has to be as wise as the "most subtle" and as harmless as the most gentle.

Protests from lessees have reached the board from over the Territory claiming that the rentals are too high. Other persons, not lessees, have claimed that the rentals are too low. In meeting these conditions the board has exercised its best judgment.

In the year 1903 requests were made for a board of appraisers. It was suggested that a number of citizens uninfluenced by any standards that might have been established by the office, could pass upon rental propositions with more care and probably with better ideas of equity than could be done by representatives of the department with established opinions, who have such a vast amount of official work to perform. Accordingly five appraisers, all honorable citizens, one of whom is now a member of this assembly, were appointed. The members of this board were not applicants for the place, they did not know the contemplation of such a board until they were appointed. They were all well versed in land matter. Most of them were farmers and all of them were perfectly familiar with land conditions in Oklahoma.

One of them was a school land lessee. They entered upon their duties with but one purpose, and that was to give an honorable, conscientious appraisement.

After a careful examination into the most minute details of the work, the new board raised the rentals much higher than they had ever been placed by the school land office. The men who constituted this board had no interest in the matter except the interest of the citizen called upon to discharge an official duty.

The adjustment of the school land problem is a matter that requires the best and most deliberate judgment of all the people of the Territory, and this consideration should be given free from political influence or bias. But with that proposition the present department has nothing specifically to do. This transaction of the school land business was a duty delegated by the Federal Government. These lands have not yet been transferred to our Territory. They are held subject to the disposal of the future state. At present the department is more or less an agency with its original powers delegated by the Federal Government. For information relative to the receipts and disbursments of this department during the biennium covered, you are referred to the printed report of the Secretary.

## PENITENTIARY.

There were three hundred and fifty-eight Oklahoma prisoners in the Kansas penitentiary on the 30th of November, 1904. The number is constantly changing, some being released upon expiration of sentence, while others are being sent from time to time from the counties of the Territory. Kansas has for several years been keeping the Oklahoma prisoners. The original contract with that state stipulated that the price should be thirty-five cents per day for each prisoner. In the year 1903 the Kansas authorities notified the Territory that the existing contract could no longer be maintained, claiming that the state was entitled to more compensation for keeping our prisoners. On the 4th of August, 1903, a contract was entered into between the Territory of Oklahoma and the State of Kansas. That contract stipulated that the Territory should pay forty cents per day for each prisoner. The contract expires on the 24th day of January, 1905.

Oklahoma is prohibited by Congressional restriction from erecting any public buildings, consequently cannot erect a penitentiary. What may be accomplished with the State of Kansas relative to a renewal of the contract is not known at this time. There has been a change of administration in that State, and what will be the policy of the new administration concerning the contract with Oklahoma is not known.

If the contract cannot be renewed, the Territory is powerless to act. The prisoners cannot be removed at this time as there is no place to take them, and the Territory is prohibited by Congress from making the necessary provision in the way of bulidings. It is to be hoped, however, that the contract with Kansas can be extended until some other provision can be made for caring for the prisoners of the Territory.

## CARE OF INSANE.

On the 31st day of May, 1901, a contract was entered into by the Governor of the Territory and the Oklahoma Sanitarium Company, the contract to remain in force for a period of four years from the 15th day of June, 1901, and terminating on the 15th day of June, 1905, provided, however, that in the event that the Territory should arrange for an asylum, and be prepared to take the matter under its direct supervision, the contract with the Sanitarium Company should terminate, otherwise it should remain in force until June, 1905.

The Seventh Legislative Assembly enacted a law locating the asylum on the military reservation at Fort Supply, this reservation having been tendered to the Territory by the Federal Government for the purposes of an insane asylum. The act of the Seventh Assembly, however, contained a provision to the effect that it should not be in force until a railway, steam or electric, should be built to Fort Supply. No such railway has yet been built, consequently the contract entered into with the Oklahoma Sanitarium Company is still in force.

The existing contract provides that the Territory shall pay the sum of two hundred dollars per annum for each patient, for board, lodging, medical treatment, and all the attention accorded a patient in an institution of this character.

The Territory does not control the sanitarium management, and has nothing to do with its business transactions. The only authority that the Territory can exercise is that of a contractor. The company conracted with the Territory to perform certain things. The Territory can only require that those things be done, and beyond the fulfillment of the contract has no jurisdiction over the business affairs of the institution.

On the fifteenth of December, 1904, there were confined in the asylum four hundred and thirty-four patients. Patients are going to and from the asylum almost all of the time. It is worthy of note, however, that the number is constantly increasing, notwithstanding the changes.

Under the law, the board of visitation can release patients from the asylum, and they can also be released by the physician in charge.

These patients are sent to the institution by authority of the boards of insanity in the various counties. In some instances, in fact in many instances, the persons pronounced insane by these boards are not insane, but are often poor people who should be maintained at the expense of local taxation and not at the expense of the Territory. Again, inebriates and cocaine victims are frequently pronounced insane by the county boards and sent to the asylum to be cared for by the Territory. These persons are from time to time released by the physician at the sanitarium, or by the board of visitation, and returned to the counties from which they were sent, only to be arraigned by the local insanity board and returned to the asylum. While these persons frequently are not really insane, yet they are legally insane, having been so pronounced by a legally constituted board. It is respectfully recommended that the law governing the powers of the county insanity boards be amended and that a restriction be placed upon the liberties too often assumed by said boards in sending persons who are not insane to the asylum to be cared for at Territorial expense.

## AUDITOR'S DEPARTMENT.

The report of the Auditor indicates a large increase in the volume of business of the Territory.

During the past biennium the treasurer received $1,900,156.23 and disbursed $1,878,721.76. The major portion of the amount disbursed has been for schools. It did not come from taxation alone but from different sources. It came from taxation, leasing of school lands, interest on deposits of Territorial money and from the Federal government.

The sum of $920,141.50 was disbursed to the Colleges. Of this amount the sum of $228,570.87 came from rentals on College school lands, the Federal government and other sources.

The amount of warrants issued (not including the old tax levy University warrants) was $817,501.82 for year ending November 30, 1903.

The amount of warrants issued, not including the University warrants for year ending November 30, 1904, was $882,077.31.

Amount of warrants redeemed including interest, for year ending November 30, 1903 was $854,044.36.

Amount of warrants redeemed for year ending November 30, 1904 including interest, was $1,024,677.40.

Total amount of warrants issued for years 1903-1904, $1,699,-579.13.

Total amount of warrants redeemed for years 1903-1904, $1,878,-721.76.

The running expenses of the Territory amounted to .003 1-3 per cent of the taxable property in 1901; .002 1-8 in 1902, .003 1-4 in 1903, and .002 13-20 in 1904.

For a detailed statement of the business affairs of the Territory you are respectfully referred to the printed copy of the Auditor's Report which has been placed before you.

## TERRITORIAL TREASURER.

The report of the Treasurer shows the sum of $669,809.62 to the credit of the Territory on the 30th day of November, 1904. This amount includes the sum of $224,053.21 on deposit in the Capitol National Bank at the time of its failure in April last. Recently the Comptroller authorized a dividend of 20 per cent. The Territory received as a result of this dividend, $48,810.64.

The Territory was insured in the American Bonding Company of Baltimore in the sum of $250,000. In the United States Fidelity and Guaranty Company in the sum of $25,000. These companies refused to meet their obligations to the Territory and suit has been commenced against them to recover the insurance.

During the past biennium the only bonded indebtedness of the Territory has been canceled. The amount of bonds redeemed was $48,000. Interest on bonds, $5,407.20, total, $53,407.20.

There still remains on hand in the bond interest fund $7,289.03.

As the Territory now has no bonded indebtedness, no bond interest fund is needed, and I respectfully recommend that a law be enacted authorizing the transfer of the balance in the bond interest fund, as well as amounts that may accrue to that fund in the future from taxes now assessed but unpaid, to the general revenue fund.

The taxes accumulating from the session laws fund could also be very advantageously transferred to either the general revenue or the library fund.

The amount of delinquent taxes due the Territory from the various counties is $312,223.31.

This delinquency extends from 1891-1892 to 1903 .

## TERRITORIAL DEPOSITORIES.

The problem of Territorial depositories is a hard one to solve. Viewed from any standpoint, it is difficult to reach a conclusion as to what is best. In 1901 the legislature enacted a depository law. That

law provides that the treasurer shall make a contract (the contract to receive the approval of the Governor) with a bank or banks in the Territory. The law provided also that Governmental bonds, surety bonds, Territorial General Fund Warrants and Municipal Bonds should be required as security.

Shortly after the approval of the depository act, in April, 1901, a contract was made with the Capitol National Bank designating it as the sole depository of the Territory for one year, from the first day of May, 1901.

At the beginning of the present Territorial administration which was on the 10th of December, 1901, there was deposited in the Capitol National Bank the sum of $376,969.75 in Territorial funds.

About this time, (latter part of 1901) there were additional sums deposited in this bank amounting in all to $673,120.46. This was money for which the Territorial Administration was responsible, although it was not Territorial money. It came into the custody of the School Land Office from applicants for school lands in the counties which had been opened for settlement during the summer of 1901. Each bidder for school land was required to deposit the amount of his bid and as there were frequently numerous applicants for the same tract of land the deposits were enormous. Of the $673,120.46 which had been deposited during the competitive bidding in the fall of 1901 the sum of $476,313.22 was returned to unsuccessful bidders, and the balance passed to the credit of the funds to which the lands belonged. The amount of money, including Territorial money and money bid on school lands which was deposited in the Capitol National Bank during the latter part of 1901 was enormous, probably at one time between eight and nine hundred thousand dollars. After the $476,313.22 had been returned to the unsuccessful bidders and the balance had passed into the custody of Territorial Treasurer, it increased the Territorial deposits until on the 30th day of April, 1902, there was in the depository the sum of $602,895.47. The Capitol National bank contained all of this money, having been designated as the Territorial depository in April, 1901. At the expiration of the original depository contract it was not deemed best to keep such large amounts in one bank, consequently additional contracts were made with other banks as depositories, the Capitol National Bank being continued as one of the depositories.

At the time of the expiration of the contract with the Capitol National Bank as sole depository many banks over the Territory became applicants to become depositories. The Treasurer was confronted by a perplexing proposition. There were two features of the situa-

tion to consider. If many banks were made depositories, while the amount in each would be less, the liability of failure would be increased. Upon the other hand if a limited number of banks were made depositories, while the liability of a failure might be lessened the amount in case of failure and loss would be greater. The treasurer has been increasing the number of depositories. There are now seven of them. The deposits are all secured. It is believed that the securities held by the Territorial Treasurer would bring more upon the market than the amounts of any loss that could possibly result from the failure of the depositories.

The legislator who can devise an absolutely safe depository law and ways and means to comply with it would be a public benefactor, not only to the Territory but to the states as well, where this matter is still an unsolved problem. At best it is an experiment attended by dangers. If surety bonds are taken and a loss occurs, the companies almost invariably resist payment if the amount of the liability is large.

If Territorial warrants or the municipal securities are taken, there is always some danger of the loss of the securities.

## BANK COMMISSIONER.

The appropriations made for this department during the past biennium amounted to $5,800.00. The fees collected and turned into the Territorial Treasury amounted to $4,535.00. The Department has almost been self-sustaining during the period reported, the appropriations only exceeding the fees by $1,265.00. The law requires certain duties of the Commissioner but does not make a sufficient expense appropriation for him to successfully perform them.

The Assistant Bank Examiner does not devote all of his time to examinations as he is required to do office work but he could assist very materially in the examinations if traveling expenses were provided.

The Banking Department of Oklahoma is a very important one. It is constantly increasing in magnitude.

There were Two Hundred and Fifty-five Territorial Banks in operation on the 1st of December, 1904. During the past biennium there have been Two Hundred and Eighty-one examinations and it should not be forgotten that this was done with an expense allowance for office rent, light and traveling expenses of only Six Hundred Dollars ($600.00) per annum. It is insufficient. If a bank closes its doors and there has not been a recent examination the Department is censured. How a Department with Six Hundred Dollars ($600.00) incidental expense

account per annum can examine 255 banks even once during the year is a problem hard to solve. It can not be done by one man. Two men working the entire time could scarcely meet all requirements. The banking interests of the Territory are constantly increasing and if proper service is rendered proper facilities for promoting the work should be provided. The provisions that applied when there were only fifty Territorial banks will not apply when there are two hundred fifty-five and the number constantly increasing.

This is a matter which is submitted for your most careful consideration. It deals with conditions in which the masses of the people are vitally interested. Oklahoma is being filled with banks. Almost every little village has a bank. The larger towns have many of them. These banks in the aggregate have enormous deposits. A large amount of this money belongs to the farmers, the merchants, and the industrial classes generally. If the Banking Department protects these interests, (as far as it can protect them), provisions should be made for more frequent examinations.

## NATIONAL GUARD.

Oklahoma maintains a regiment of National Guard. During the two years past marked improvements have been made in this organization. The armament and equipment furnished by the War Department during the past biennium assisted very materially in raising the standard higher than it has ever been before in the history of the regiment.

It is the purpose of those who have control of the guard to spare no efforts to make it compare favorably with any of the organizations of like character throughout the country. The War Department has been liberal in furnishing armament and equipment, but the Territory is required to make provision for general and incidental expenses. A body of drilled troops in every State and Territory is the policy of the government, and to that end it is working. By a very liberal allotment of arms and equipments the War Department is building up organizations of citizen soldiers all over the country, which relieve the necessity of a great standing army. In the event of war the government could call into action a vast army of fairly well drilled citizens in a very short time. But, in addition to that feature of the situation, the Guard is a formidable police force in case of insurrection or any kind of disturbance that might menace the welfare of the commonwealth. It is not the purpose of this department to be extravagant, but it is greatly desired that sufficient provision be made to enable the officers to maintain creditable armories and take care of the property in a suitable manner.

## OIL INSEPECTION.

The Seventh Legislative Assembly made some radical changes in governing the inspection of oils. The law as it now stands provides for a stated salary for the inspector with an allowance for contingent expenses; it also provides for certain fees for deputy inspectors, and that the excess fees after paying the deputies shall be turned into the Treasury of the Territory.

During the time that the new law has been in operation the sum of $13,067.83 has been collected. The fees paid to deputies have amounted to $3,122.32. The balance, $9,945.51 has been paid into the treasury.

The present law works quite differently from the one that preceded it. The former law was defective and difficult to enforce but it is believed that the present law with a slight modification will meet the requirements, and be of increased value to the Territory.

The law is self-sustaining and in addition to that, the Territory derives considerable revenue from it. That it has been a protection to the public during the past biennium is made evident from the fact that very few complaints have been urged against its workings.

I respectfully recommend that the fees of the deputy inspectors be increased sufficiently to compensate them for giving their time to the work. The deputies have not been receiving the compensation under the law to which they are really entitled for the services rendered. The object of the law is not only to protect the consumer in the quality of the oil, but to protect against dangerous oils being placed upon the market.

## BOARD OF AGRICULTURE.

An act passed by the Sixth Legislative Assembly provided for the organization of a Board of Agriculture. Under authority of this act, on the 18th of December, 1902, the board was organized, by electing officers and complying with the other requirements of the law. The Seventh Legislative Assembly made an appropriation of one thousand dollars per annum for the salary of the secretary of the board, and eighteen hundred dollars for incidental expenses of the office, the appropriation for incidental expenses to be expended under the supervision of the board. The office was opened on the second day of April, 1903. Although many difficulties have been encountered the board has accomplished much good for the agricultural as well as general interests of the Territory. Oklahoma is an agricultural country.

The general agricultural interests of the Territory are of great importance, and it is to be hoped that the Board of Agriculture can be advanced and become a department in the government of the Territory or State. With a demand for advanced ideas along agricultural lines and new problems confronting us every year, it is imperative that we prepare to meet the rapidly changing conditions and "keep abreast the times."

The report of the secretary of the board calls attention to various features of the work. It is recommended that provision be made to extend the utility of this work, believing that Oklahoma's future progress will be closely associated with her agricultural possibilities, and development along that line.

## LIVE STOCK SANITARY COMMISSION.

The live stock interests are of vital importance to the wealth and development of Oklahoma. It has for several years been apparent to stock raisers as well as to all others conversant with conditions, that the quality of stock should be improved, because of a constant decrease in grazing facilities which renders the old time "big herd" an impossibility from this time on.

The Sanitary Commission has many important duties to perform. It has to deal with cattle inspections, glanders, and other diseases among horses, and in fact the general conditions effecting the live stock interests of the Territory. In the event that this assembly should extend the quarantine line around the Territory it will be necessary to increase the field force of the Commission to at least seven inspectors.

If the lines are extended as suggested it will be necessary to maintain a restricted district above the line and allow cattle to be moved out of it upon inspection or any other regulations that may from time to time be provided. There are portions of the Territory which should be quarantined against southern cattle, but which are now infected and will continue so until some effective work is done in eradicating the infection. It is necessary to first prevent infection from the outside by a strict quarantine against southern cattle, then some energetic sanitary work inside the lines and the desired result can be reached. We can never make Oklahoma free from infection, however, as long as southern or diseased cattle are permitted to cross our line with inspection as the only safeguard. It may be that the Federal authorities have discovered a remedy, but if so, it has not yet been sufficiently tested to insure it as a protection.

## THE ATTORNEY GENERAL.

The office of the Attorney General has been over crowded with work during the period intervening since the adjournment of the last Legislature. Not only has the office disposed of the vast amount of legal work directly pertaining to the Territory, but many opinions upon law propositions have been rendered in response to requests from county officials and other citizens.

In addition to rendering opinions the Attorney General has been called upon to assist in prosecuting violations of the law in several of the counties, especially in cases in which the County Attorney has been disqualified or failed to prosecute.

Again the Attorney General has appeared in cases in the Supreme Court in Washington in which the Territory has been an interested party.

## GRAIN INSPECTOR.

The report of this department states that the largest grain crop ever raised in Oklahoma was in 1903. During that year the surplus found its way to southern markets, consequently Oklahoma Inspectors were kept at two points in the State of Texas—Fort Worth and Gainesville.

During the year 1904 the inspection has practically all been made in the Territory.

The inspection must be of benefit to those interested in the grain trade.

It is not obligatory, yet the inspection is sought and the services of the department much in demand.

## TERRITORIAL LIBRARY.

The Territorial Library is largely an accumulation of law books, and kindred publications. For several years those having supervision have been engaged in collecting these volumes, and now we have quite a large number of useful publications. The present library rooms are inadequate to meet the requirements and it is recommended that provision be made to provide better facilities for taking care of this very important institution. It is in a sense one of the educational factors of the Territory.

## BOARD OF DENTAL EXAMINERS.

The Secretary of the Board of Dental Examiners submits a brief report. That report shows that the Board has under the existing statutes been able to successfully prosecute violators of the law and to enforce the penalties against those who asume to practice dentistry without authority. It is evident that the work of the Board is bringing good results and raising a higher standard of requirements among practitioners throughout the Territory.

## BOARD OF HEALTH.

The report of the Secretary of the board indicates that health conditions have been good throughout the Territory during the past biennium and that visitations from contagious diseases have not been frequent. It is true that in several instances small-pox and other diseases have broken out but they have been promptly dealt with and no serious results have followed.

The board has had to take action to prevent the sale of impure meat in the Territory.

It is respectfully recommended that a law be enacted covering this matter in full, and imposing a penalty that will in the future aid in preventing this dangerous practice.

## BOARD OF PHARMACY.

The report submitted by the Board of Pharmacy deals with several things of utmost importance to the public. Your attention is especially called to the statement of the Board that the law governing the sale of adulterated food is of little avail because of a lack of authority to enforce it.

The Board also calls attention to the sale of cocaine. The use of this fatal drug is increasing to an alarming extent. A law is badly needed to govern this matter and I respectfully recommend legislative action as a safeguard.

## BOARD OF OSTEOPATHIC EXAMINERS.

The Legislature of 1903 passed a law creating a board of Osteopathic Examiners. There was considerable agitation over the creation of this board.

The Legislature, in making provisions for it, evidently took into consideration the fact that liberty of action is one of the fundamental

principles of our government, and especially when the exercise of this liberty harms no one.

The doors of opportunity should be closed to none. The only test is the "survival of the fittest."

What is best in the treatment of diseases and the regulation of practice by law is hard to determine. From the days of Esculapius down to the Oklahoma controversy, "doctors have disagreed, and wise men have reached different conclusions."

If the Eighth Legislative Assembly can solve this problem, I have the honor to state that your honorable body will have filled a "long felt want."

## PUBLIC SCHOOLS.

The crowning glory of Oklahoma is her school work. This feature of her enterprise and development has been very prominently promoted during all of the history of the Territory.

The report of the Territorial Superintendent shows that during the past biennium the sum of $438,370.01 ($2.17 per capita) derived from rentals on school lands has been apportioned to the common schools. That report also shows that the seven state educational institutions have received transfers amounting to $99,469.86 of money also derived from rentals on school lands. This has been a splendid contribution to our educational interests through the policy of utilizing our public lands for educational purposes.

The Superintendent's report also shows that for common school purposes the total receipts were $1,535,744.15 in 1903 and $1,696,765.24 in 1904; that expenditures were $1,266,278.55 in 1903 and $1,459,623.54 in 1904. These amounts include moneys received and disbursed for all purposes connected with the common schools "teachers' salaries, sites, buildings, rents, repairs, library and apparatus." It should be remembered that the above amounts represent what the people have disbursed in the districts of the Territory and does not include the Territorial educational institutions for which other provisions were made.

The disbursement of $1,459,623.54 in one year by the people for educational purposes is a high commentary upon the enterprise and progressive spirit of our citizens. A people who do things in that way are certainly qualified to govern themselves.

For extended information upon our school interests you are respectfully referred to the report of the Territorial Superintendent.

## THE UNIVERSITY.

Oklahoma is a commonwealth of high destiny. Her past achievements augur splendid future possibilities. This is especially emphasized in her educational work. The sentiment of Oklahoma citizenship has always been to promote the interests that pertain to intellectual development and to keep our schools in the vanguard of progress. From the beginning of our career as a commonwealth, the people have been enthusiastically interested in the development of schools and colleges with a standard high enough to give them a place among the best in the country.

boys and girls of Oklahoma at home. With the splendid record which

It is, and should be, the purpose of the Territory to educate the boys and girls of Oklahoma at home. With the splendid record which we have already made in educational work the time should never come in the history of the Territory or future state when our boys and girls will have cause to even desire to go elsewhere to be educated.

The Territorial University should be elevated to such a standard as to enable it to meet all requirements along the lines of higher education. In that direction it has been moving rapidly and its progress has been highly satisfactory. Its career commenced at a time when the Territory was young and undeveloped, but the school has moved on as steadily as conditions would permit and is today accomplishing good work with the promise of a splendid future.

The University is gradually growing away from the preparatory requirement. A preparatory department is still maintained but it is the policy of the management to eliminate it as soon as it is deemed expedient to do so.

In all probability the Preparatory School at Tonkawa and the High schools of the Territory will at no distant future day supply the University with students and thus eliminate its preparatory department.

## UNIVERSITY PREPARATORY.

The University Preparatory school, located at Tonkawa, has accomplished much during its short career. Its purpose is to give instruction in elementary work and prepare students for the University.

This school has during the past year had an officer detailed by the War Department to give instruction in military science. There are two cadet companies. The Government furnished a detail of arms and other equipments amounting to something over five thousand dollars in value.

As this is a preparatory school it was deemed best to ask the War Department for this detail as the drills and training not only furnish a splendid opportunity to the boys for physical development, but promote obedience to discipline as well.

This school has been well patronized from the beginning. It has been of especially great value to the boys and girls who live upon the farm many of whom have taken advantage of the oportunity which it affords. It has often been called "the school of the people."

## THE ARGICULTURAL AND MECHANICAL COLLEGE.

Oklahoma is an agricultural country. That fact has been clearly demonstrated. Her wealth is in the fertility of the soil and the energy of her people. The almost unbounded possibilities of our splendid young Commonwealth are being realized more and more every year by the people who have laid the foundation for her future greatness. The sentiment among all progressive people is to promote education along all lines and this especially holds good in Oklahoma. The day has passed into history when it was believed that those who tilled the soil and those who directly represented our great industrial developments did not need the advantages of education and special training along chosen lines of enterprise.

The Agricultural and Mechanical College of Oklahoma, while not neglecting the culture features of education, makes a special effort to qualify students to *do things* in life, and emphasizes the demands of the day for an industrial education.

An education which does not contemplate the practical things is incomplete.

The student should not only be taught to *think*, but should be taught to *do*.

More prominently than ever before, the requirements of existing conditions point to this idea as a distinctive feature in our educational work.

Our Territory is just at the beginning of a career full of hope, prophecy, promise and possibility. We should keep in the vanguard in the march of progress and not forget that ours is an industrial commonwealth and that no possible efforts should be spared to promote practical industrial education.

The Agricultural College is taking advanced positions along this line and accomplishing good results.

## EXPERIMENT STATION.

This Station is one of the very useful factors in promoting the agricultural interests of the Territory.

As these interests increase, the real worth of the station becomes more apparent. It keeps the public in touch with the best up to date methods and developments through bulletins, correspondence, work in farmers' institutes and various other means employed to utilize the best discoveries and experiments along agricultural lines.

Your attention is respectfully called to the recommendations of the Director of the Station.

## NORMAL SCHOOLS

The normal schools of the Territory are doing efficient work. The reports of the presidents of these institutions indicate a healthy growth and development in this branch of our educational system.

The policy of the commonwealth should be to develop as rapidly as conditions will permit the special feature of professional work in the normal schools. The desired goal cannot be reached at once, however. On account of conditions that naturally prevail in all young territories, more academic work is required than is desirable in schools of this character. But as our graded and high schools advance in influence and utility, the normal schools will be relieved of much of the work which is now being done by them, and will be given an opportunity to devote more of their energy to professional work—the real purpose of a normal school.

### CENTRAL.

The last Assembly made an appropriation for a new normal school building at Edmond. The building has been erected and is now occupied. It is a splendid structure and has supplied a pressing demand on the part of the institution. In my judgment the Territory has never made a better investment in a public building than in this instance. While the building is neat, it is especially attractive on account of the amount of room furnished at a comparatively small outlay. The legislative appropriation was $40,000, and the building was erected within the appropriation.

The total enrollment for 1903-1904, including normal and training department, was 852.

At the beginning of the present term, steps were taken to establish a manual training department, but insufficient equipments have prevented satisfactory development of this line of work.

## NORTHWESTERN.

This institution has extended its course by adding another year. The President's report states that this has been done to improve the school from a professional as well as scholastic standpoint, and that the purpose has not merely been to build numerically but to secure as extensively as possible teachers who have completed a sufficient amount of academic work to qualify them to devote some time to professional training and thus equip themselves for teaching. A department in manual training has been established and is very satisfactory in results.

From November 30, 1903, to November 30, 1904, the records show that six hundred and sixty pupils had been enrolled.

The President states in his report that gymnasium and bathing facilities are lacking, and urges that some provision be made to meet the demand.

## SOUTHWESTERN.

Since the adjournment of the Seventh Legislative Assembly, a new normal school building has been erected at Weatherford, and the school is now in progress. The building was not ready for occupancy until in February, 1904. It had been the purpose of the normal board to open the school in September, 1903; accordingly on the 15th day of that month the opening exercises were held in the First Congregational Church of Weatherford. In addition to the church, four store buildings were ocupied as school rooms until the school building was ready for use in February following.

The entire enrollment of students for the first year was 327. The enrollment for the fall term up to November 30th, 1904, was 301. In his report, the President states that the school has not enough teachers to meet the demands and that additions to the faculty are necessary to meet future requirements.

## DEAF AND DUMB INSTITUTE.

The Deaf and Dumb Institute, located at Guthrie, is doing commendable work in behalf of that class of children who without education would be practically helpless in the world. It is conducted on the contract system. A contract extending over a period of two years, dating the first day of October, 1904, and extending over a period of two years has been made between the Territory and H. C. Beamer.

Under this contract the Territory pays $27.50 per month for each pupil for a term of ten months. This contract includes, board, lodging, clothing, medical treatment and education. The pupils are well cared for and are doing good work.

During the past year some needed improvements have been made and the facilities increased for adding to the comfort and convenience of these silent wards of the Territory.

## AGRICULTURAL AND NORMAL UNIVERSITY AT LANGSTON.

This institution is maintained by the Territory for the education of the colored people. It is the desire of those having jurisdiction over it to promote industrial education and to make that line of work one of the distinctive features of the school. While it is not the purpose of the board of regents to neglect any line of educational work that comes within the province of the school, yet it is believed that a demand for a practical, industrial education should be emphasized.

There were 287 pupils enrolled for the present term, up to November 30th. This is the largest enrollment that the school has ever had. It is especially large considering the fact that it is at the beginning of a school year.

During the past year a barn has been built and various other improvements made upon the farm which is maintained for the purpose of promoting practical education along agricultural lines.

The departments are as follows:

### COLLEGIATE, NORMAL, INDUSTRIAL.

The industrial department embraces the mechanical, agricultural and domestic economy. In addition there are the elementary and college preparatory departments. The elementary embraces the grade work, from 5th to 10th grade, inclusive.

## "LOBBIES."

The legislative "lobby" has been the center of attraction in many of the states for several years. The term as used in this connection does not refer to the citizen who appears before a lgislative assembly to represent some cause and explain his requests, but makes no attempt to use unlawful influences; it applies to those who have personal schemes to promote and resort to almost all manner of unlawful expedients in an attempt to attain the desired results.

The people of the country have watched with increasing interest the war which has been going on against corruption in public affairs and

they hail with delight that movement which appears to be the advance guard of a new era in American politics and government.

For years it has been the custom of designing persons to attend the sessions of legislative assemblies and attempt to secure legislation through means that are a menace to good government and a disgrace to civilization. The day has come when an example should be made of all who attempt unlawful influences in the legislation and administration of the public affairs of the country, as well as of those who allow themselves to be influenced.

To allow these wrongs to go unpunished would be to continue to strike a vital blow at a government by the people. Just so long as questionable transactions are permitted, the young men of the country will form wrong ideas in regard to politics, public men and public affairs. Allow these unlawful practices to continue and the young men will be educated in the belief that success in public life only contemplates the end to be attained and not the means employed to reach it.

"The purification of politics is an iridescent dream" only as long as the people permit it to be so. The public mind all over the country is actively engaged in analyzing the problem of reform in civic affairs. A healthy sentiment is crystallizing and out of it will come higher ideals, purer politics, and better government. Oklahoma, never behind in any enterprise, should take her lawful position in the march of progress, and give the world an example worthy of imitation, by teaching all would-be-corrupters of public service that any attempt at wrongdoing will meet a merited rebuke by an application of the utmost rigor of the law.

The legislature will be sustained by public sentiment as well as by the Territory, in taking steps to protect itself against any unlawful outside influences.

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